

LADERIUS STEVENS, )  
)  
Plaintiff, )  
)  
v. ) No. 3:16-CV-513-RLJ-HBG  
)  
SHAWN PHILLIPS, Warden, *et al.*, )  
)  
Defendants. )

The Sixth Circuit has observed that “[a] district court has discretion to dismiss under Rule 41(b) if a party has engaged in contumacious conduct or has actual ‘notice that dismissal is contemplated.’” *Erby v. Kula*, 113 F. App’x 74, 75 (6th Cir. 2004) (quoting *Harris v. Callwood*, 844 F.2d 1254, 1256 (6th Cir. 1988)). Here, it is clear that Plaintiff was forewarned that dismissal was envisioned if he failed timely to return the completed service packets.

Accordingly, this action will be **DISMISSED** sua sponte for want of prosecution. Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing court's authority to dismiss a case sua sponte for lack of prosecution).

A separate order of dismissal will enter.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge